IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 15114 of 2005

Between:

M/s. S.K. Agencies, Door No. 22/468,

Buden Saheb Complex, Gandhi Road,

Proddatur, Kadapa District.

Rep by its Managing Partner S. Khader Hussain

..... PETITIONER

AND

1 The Additional Commissioner

of Commercial Taxes(Legal), III Floor,

C.T. Building, M.J. Road, Nampally, Hyderabad.
2 The Commercial Tax Officer-II,

Proddatur, Kadapa District.
3 The Secretary, Sales Tax Appellate Tribunal,

Ground Floor, C.T. Building,

M.J. Road, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Mandamus declaring that the order of First Respondent dt.
22-6-2005 in CCT's Ref.No. LV(3)/460/2005 as illegal and contrary to law and consequently to grant stay of collection of the disputed penalty of Rs. 2,08,119/- for the Assessment Year 2003-2004 APGST (penalty) pending disposal of the Appeal before the Third Respondent and pass such other order or orders as may be deemed fit and proper in the circumstances of the case in the interests of justice.

Counsel for the Petitioner: M R.G.NARENDRA CHETTY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following :

ORDER:

Heard both sides.

Pending appeal against penalty before the third respondent, the petitioner filed a stay application before the first respondent, which has been dismissed. It is submitted that the petitioner has already deposited one-third of the penalty amount.

In these circumstances, we direct that the appeal be considered, and final orders be passed. Till the appeal is disposed of, no coercive steps shall be taken for recovery of balance of the penalty amount.

Writ petition is, accordingly, disposed of. No costs.

(Bilal Nazki, A.C.J)

(G.Chandraiah, J)

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To

1 The Additional Commissioner of Commercial Taxes(Legal),

III Floor, C.T. Building, M.J. Road, Nampally, Hyderabad.
2 The Commercial Tax Officer-II,

Proddatur, Kadapa District.
3 The Secretary, Sales Tax Appellate Tribunal,

Ground Floor, C.T. Building,

M.J. Road, Nampally, Hyderabad.

4 Two Copies to the G.P. for Commercial Tax,

High Court buildings, Hyderabad.(O.U.T.)

5 2 CD copies

6 1 CC to Mr.Narendra Chetty, Counsel for the petitioner.